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## Appeal Decision

Site visit made on 1 April 2019

**by M Bale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 April 2019**

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### **Appeal Ref: APP/X5210/W/18/3209715**

### **Flat B, Raised Ground Floor Flat, 160 Iverson Road, London NW6 2HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Daniel Kearney against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/3258/P, dated 5 May 2018, was refused by notice dated 17 May 2018.
  - The development proposed is erection of screening to allow for use of 1<sup>st</sup> floor flat roof as roof terrace.
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### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. I understand from the appellant's submissions that the application was originally submitted to the Council in June 2017. However, an application form, dated 5 May 2018 has been provided with the appeal documents. I have used this date in my banner heading above.
3. The Council's decision notice indicated an inconsistency in the drawings considered by the Council between the elevation and floor plan showing the extent of the proposed screening. A revised plan has been provided with the appeal documents which clarifies the proposal. As this was submitted at the time of the appeal, all parties have had the opportunity to comment on it and I am satisfied that no injustice would occur if I were to consider the appeal on the basis of the amended plan.

### **Main Issues**

4. The main issues are the effect of the proposal on the character and appearance of the area and the effect on living conditions of neighbouring residents with particular regard to outlook.

### **Reasons**

#### *Character and appearance*

5. The site is a mid-terraced dwelling in a predominantly residential area. The terrace is formed of fairly regular buildings that have two-storey projecting rear sections extending out from the main rear wall into the rear garden areas. The two-storey projections on each of the dwellings appear to extend to a similar

length and some dwellings, including the appeal site also have a further projecting single storey section beyond.

6. There are a number of roof terraces, on the backs of these buildings that are enclosed by a variety of screens. This has reduced unity in the appearance of the rear elevations as a whole. However, they are generally sited at 2<sup>nd</sup> floor level, on top of the two-storey projecting sections. The uniformity in projection of the two-storey sections means that the existing roof terraces are seen as a continuation of this existing built form and sit comfortably as part of the established line of rear projections.
7. By contrast, the proposed roof terrace would project out beyond the clearly visible two-storey built form and appear as an incongruous addition. Unlike the two-storey parts, the single storey projections are not readily visible in public views. However, the proposed screening would be seen from Medley Road without the context of the built form below it. The materials proposed would match other roof terraces in the area, including that permitted and constructed at the upper floor of the appeal site, which would provide some uniformity in design approach. However, for the reasons given above, the siting would be awkward and harm the appearance of the area.
8. I can appreciate that public views of the proposal would be limited but this does not alleviate the harm. Nor do the presence of trees within the rear gardens, which from my own observations, did not significantly interrupt the clear views along the back of these dwellings and would not screen the proposal from view. A number of roof terraces in the area have had additional planting added and if carried out at the appeal site, this could provide an opportunity for greening through soft landscaping. However, there are no particular proposals before me so I do not find that such would reduce the harm that I have identified. I therefore, only attribute limited weight to it.
9. It may well be that other roof terraces have been permitted at first floor level elsewhere in the area, including at nearby 72 Loveridge Road. However, the context and availability of public views of that site are different to the appeal site and so I attribute limited weight to it. Overall, I find that the proposal would harm the character and appearance of the area. As such, the proposal would conflict with those parts of Policy D1 of the Camden Local Plan 2017 (LP), and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015 which seek to ensure that proposals respect the character and appearance of the area in which they are sited, being in character and proportion with their context.

#### *Living conditions*

10. The proposed roof terrace would be surrounded by a privacy screen that would prevent the overlooking of neighbouring property. The screen may also reduce the overlooking of neighbouring garden areas from within the existing Flat B, at No. 160 and provide some privacy enhancements to Flat B itself.
11. However, whilst the screen would be some distance from windows in neighbouring No. 158, it would be sited directly alongside a window at No. 162. This window, in the end of the 2 storey projecting section of No. 162 currently enjoys a wide outlook. The proposed screening would significantly reduce this outlook and make the neighbouring room considerably more enclosed.

12. I note that works at neighbouring No. 158 have reduced the outlook on some windows within No. 160. However, the most affected windows appear to be those sited between the projecting sections of Nos. 158 and 160 and so the pre-existing outlook would also have been channelled. The Council's decision to allow those works, therefore, does not demonstrate inconsistency nor lead me away from my above finding in respect of outlook.
13. I note references to planting having an effect on the outlook from windows in No. 162. However, whilst this is supported by the appellant's photographs, at the time of my visit, there was clearly an unimpeded outlook from the rear window of No. 162 across the proposed terrace. I, therefore attribute limited weight to this matter.
14. For the reasons given above, I find that the proposal would have an overbearing impact on the outlook from No. 162, harming the living conditions of its residents. The proposal, therefore, conflicts with those parts of Policy A1 of the LP that seek to ensure that the amenity of neighbours is protected.

### **Other matters**

15. The proposal would allow the provision of some external space for the occupiers of the appeal site. However, whilst such provision can play a part of delivering high quality residential environments and so may be supported by development plan policies and the National Planning Policy Framework, it should not be at the expense of the character and appearance of the area or living conditions of other existing residents. These matters, therefore, receive limited weight in this decision.
16. I understand that the appellant is frustrated with delays during the Council's processing of the application and questions some of the procedures that were followed. However, even if early indications were given that the proposal may be acceptable, these matters have little to do with the planning merits of the case or the Council's final decision. There is some suggestion that the adjoining roof terrace at No. 158 has not been constructed in accordance with the approved plans. However, whilst there may be some existing overlooking of the appeal site as a consequence, this is not a matter before me in the context of this appeal against a refusal of planning permission.
17. The Council's appeal statement indicates that the loss of a self-contained dwellinghouse cannot be supported and the development's design and impact on the conservation area is unacceptable. However, these considerations do not appear to be relevant to this appeal which does not seek to change the number of dwellinghouses and, according to both the appellant and Council's appeal questionnaire is not in a conservation area.

### **Conclusion**

18. For the reasons given above I conclude that the appeal should be dismissed.

*M Bale*

INSPECTOR